

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.6.2017

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.15323 of 2017
and WMP No.16617 of 2017

1 Mrs.N.Malliga
W/o. Late. Nainar New No.32 Old No.52/2
Sandiappan 1st Street Nammalwarpet Otteri
Chennai - 600 012. ...Petitioner

Vs.

1 The Secretary
Chennai Metropolitan co-Operative Housing
Society Ltd No.50 Ritherton Road Vepery
Chennai - 600 007.

2 The District Registrar
Co-operative Housing Societies No.493 TNHB
Anna Salai Nandanam Chennai - 600 035.

3 The Co-operative Sub-Registrar
(Execution Proceedings) Co-Operative
Housing Societies No.493 TNHB Anna Salai
Nandanam Chennai- 600 035.

4 The Deputy Registrar
Co-operative Societies(Housing) Chennai
Region Old No.18 New No.28 Ramanathan
Street T.Nagar Chennai - 600 017.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari calling for the entire records pertaining to the impugned order dated 31.05.2017 vide E.P.No.89/2016-17 issued by the 3rd respondent and to quash the same.

For Petitioner : Mr.T.Saikrishnan for
Mr.Sai Bharathi Ilan

For Respondents : Mr.V.Selvaraj, A.G.P.

O R D E R

The petitioner has filed the above writ petition challenging the Sale notice dated 31.5.2017 vide E.P.No.89 of 2016-17 issued by the 4th respondent mainly on the ground that no demand notice was served on the petitioner, no notice was served on the petitioner intimating the appointment of Arbitrator and no upset price is fixed for schedule property before conducting auction and other grounds also raised in the present writ petition.

2 Mr.Selvaraj, the learned Additional Government Pleader submitted that in view of the Rule 135 of the Tamilnadu Co-operative Societies Act, petitioner has to make objection or claim before the Sale Officer. On receipt of the said claim or objection by the Sale Officer, the Sale Officer shall consider the said claim or objection before effecting sale.

3 In the light of the aforesaid Rule, the petitioner has to approach the Sale Officer to make objection or claim on 22.6.2017 itself. On receipt of objection or claim by the Sale Officer, the Sale Officer shall consider the same under Rule 135 of the Tamilnadu Co-operative Societies Rules. If objection or claim is not received on or before 22.6.2017, the Sale Officer shall proceed with the impugned notice in accordance with law.

4 Accordingly, the writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

- 1 The Secretary
Chennai Metropolitan co-Operative Housing Society Ltd.,
No.50 Ritherton Road Vepery, Chennai - 600 007.
- 2 The District Registrar ,
Co-operative Housing Societies, No.493 TNHB
Anna Salai Nandanam Chennai - 600 035.
- 3 The Co-operative Sub-Registrar
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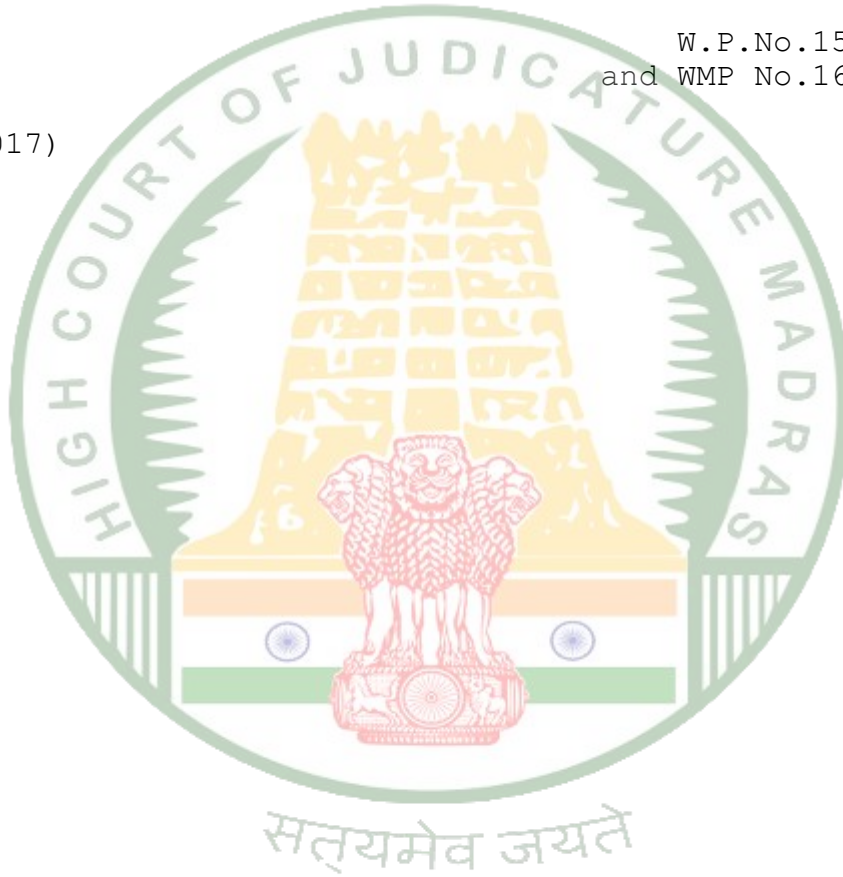
+1cc to M/s.Sai Bharath Ilan,Advocate sr.43287

+1cc to Mr.V.Selvaraj,Advocate sr.43367

+1cc to Government Pleader sr.43444

ad(co)
ss(21/6/2017)

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